

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LASHANDRA D. HENRY,
Plaintiff

vs.

BROOKFIELD PROPERTIES RETAIL, INC.,
BROOKFIELD PROPERTIES, LLC,
GENERAL GROWTH PROPERTIES,
INCORPORATED and
MILLARD MALL SERVICES, INC.,
Defendants

Civil Action No. _____

Jury Trial Demanded

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants, **Brookfield Properties Retail, Inc.** and **Millard Mall Services, Inc.**, (hereafter referred to as “**Defendants**”) file this notice to remove the foregoing case to the United States District Court for the Northern District of Texas, Dallas Division, and respectfully show:

1. A civil action was commenced in the 162nd Judicial District Court of Dallas County, Texas, in which **Lashandra D. Henry** is the Plaintiff and **Brookfield Properties Retail, Inc.** and **Millard Mall Services, Inc.** are defendants. The action is entitled *Lashandra D. Henry v. Brookfield Properties Retail, Inc., et. al.*, and bears Cause Number **DC-23-05999**. Since the action was filed in Dallas County, Texas, removal to the United States District Court for the Northern District of Texas, Dallas Division, is proper.

2. The above action was commenced on May 3, 2023 [*see a copy of Plaintiff's Original Petition*, annexed as Exhibit "A"]. The action arises from an incident that allegedly occurred when Plaintiff slipped and fell at the Stonebriar Mall located in Frisco, Texas. Plaintiff pleads for monetary relief over \$1,000,000. Accordingly, the amount in controversy in this suit is in excess, exclusive of interest and costs, of \$75,000.00.

3. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. §1332 and 28 U.S.C. §1441. There is diversity of citizenship between Plaintiff and Defendant.

4. Pursuant to Plaintiff's Original Petition, she resides in Texas.

5. Defendant, **Brookfield Properties Retail, Inc.**, is a Delaware company with its principal place of business in the State of Illinois. Thus, **Brookfield Properties Retail, Inc.** is a citizen of both Delaware and Illinois.

6. Defendant, **Millard Mall Services, Inc.**, is an Illinois company with its principal place of business in the State of Illinois. Thus, **Millard Mall Services, Inc.** is a citizen of Illinois.

7. Defendant, **Brookfield Properties, LLC** is a forfeited corporate entity that is no longer in existence, whose right to be sued was extinguished well before the filing of this lawsuit, and therefore is not a proper party to this suit.

8. Defendant, **General Growth Properties Incorporated** is a forfeited corporate entity that is no longer in existence, whose right to be sued was extinguished well before the filing of this lawsuit, and therefore is not a proper party to this suit.

9. As Plaintiff was a resident and domiciliary of the State of Texas at the time the original petition was filed, and Defendants were citizens of various states all different from Texas, complete diversity exists and removal is proper since upon information and belief, no other forum defendant has been served.

10. A defendant may remove a civil case brought in state court to the federal district court in which the case could have been brought. *See* 28 U.S.C. §1441(a).

11. Written filing of this motion will be given to Plaintiff promptly after the filing of this motion, as is required by law.

12. This motion is timely made pursuant to 28 U.S.C. §1446(b)(1), since Defendant **Brookfield Properties Retail, Inc.** was served with Citation on May 17, 2023.

13. By filing this Notice of Removal, Defendants do not waive any defense which may be available.

14. Defendants respectfully give notice that the state action currently pending in the 162nd Judicial District Court of Dallas County, Texas bearing Cause Number **DC-23-05999** has been removed and placed on this Honorable Court's docket for further proceedings. Defendants pray for any additional relief to which they may be justly entitled.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

By: /s/ Garrett A. Willig
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing document has been forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure on June 14, 2023.

/s/ Garett A. Willig

Garett A. Willig